

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|---------------------------------|---|----------------------------|
| AREC D. SIMERI, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:21-cv-01355-SGC |
| |) | |
| CHURCHILL CAPITAL |) | |
| CORPORATION IV, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER


This matter, originally filed in the Central District of California, was transferred to this court on October 12, 2021. (Doc. 38). Upon transfer, the court entered an order setting deadlines for compliance with Rule 26. (Doc. 40). Because all parties had appeared at the time of transfer, the court also entered an order pursuant to the General Order for Referral of Civil Matters to the United States Magistrate Judges of the Northern District of Alabama, dated January 2, 2015 (“General Order”). (Doc. 41). That order set November 16, 2021, as the deadline for the parties to submit forms regarding their decision to either consent to or decline dispositive magistrate judge jurisdiction under 28 U.S.C. § 636(c). (*Id.*). The order also set a telephone conference for November 3, 2021, to be cancelled in the event all parties submitted forms regarding consent prior to that date. (*Id.*).

Presently pending is the defendants’ unopposed motion to stay the Rule 26 deadlines and pretermite the November 3, 2021 telephone conference. (Doc. 47). The

request for a stay is premised on an anticipated motion to consolidate this matter with an earlier-filed case and/or an anticipated motion to dismiss. (*Id.*). Under the General Order, parties to civil cases assigned to magistrate judges must make a decision regarding consent during the earliest phase of litigation; cases in which consent is not unanimous are promptly reassigned to a district judge. The apparently forthcoming motion in this case does not alter the requirement to make a prompt decision regarding consent. Accordingly, the motion to stay is **DENIED IN PART** to the extent it seeks cancellation of the November 3, 2021 telephone conference. Of course, the court will cancel the telephone conference if all parties submit their forms or any party submits a declination prior to the date of the telephone conference. (*See* Doc. 41 at 2-3).

The motion is **GRANTED IN PART** to the extent it seeks a stay of deadlines under Rule 26. Those deadlines are **STAYED** pending the parties' decisions regarding consent. If the parties unanimously consent to magistrate judge jurisdiction, the court will address the balance of the relief sought. In the event consent is not unanimous, the parties can seek further relief from the district judge to whom this case is reassigned.

DONE this 29th day of October, 2021.


STACI G. CORNELIUS
U.S. MAGISTRATE JUDGE